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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/580,117

05/19/2006

Gang Hyun Lee

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MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON, DC 20006

EXAMINER

PATEL, RITA RAMESH

ART UNIT

PAPER NUMBER

1792

MAIL DATE

DELIVERY MODE

04/16/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/580,117	Applicant(s) LEE, GANG HYUN	
	Examiner RITA R. PATEL	Art Unit 1792	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/19/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Double Patenting

Claims 1, 3-4, 8-13, 17, and 20 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1, 6-9, 13-16, and 19 of copending Application No. 10/580,115. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2, 15, and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant's claims for a condenser fan which "blows air along an outside of the air duct" seems unclear with regards to the invention. It is noted that this is supported in Applicant's specification on page 6, lines 5-6, however, how does the condensing fan blow air long an outside of the air duct? As shown in Figure 3 of Applicant's drawings, it appears that the condenser fan 240 is connected to the meandering air duct and thus blows air inside/into the air duct, rather than blowing air outside the duct. How is the condenser of Applicant's invention also used to blow air along an outside of the duct, when it appears only to direct a flow of air within the air duct?

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Enokizono (Patent No. 5,337,500).

Enokizono teaches a dishwasher having a washing chamber 14 for holding utensils which are washed and dried therein. The drying functions are performed using at least the following parts: a circulation duct 56 (air duct); heat exchanger 68 (condensing apparatus), condensate container 32 (condensed water discharge port), outside air duct 82 (vapor exhaust port), a first fan 72 (condenser fan), a second fan 86 (dryer fan), and a motor 74 which drives both the first fan and second fan together (motor).

The prior art, Enokizono illustrates a right-hand side of the duct (outside air duct 82) which reads on Applicant's claims for an "air duct", the left-side of the duct (rear duct 80) reads on "an outside of the air duct", therefore the first fan 72 (condenser fan) blows air along an outside of the air duct 82. Moreover, the fans 72, 86 of Enokizono read on Applicant's claims for cross-flow fans since they suction air and discharge air in a radial direction.

Finally it is noted that although the second fan 86 (dryer fan) is formed in the path of the air outlet, it fully is capable of functioning as Applicant's dryer fan for "providing suctioning force to suction vapor from inside the tub", since the second fan 86 is fully connected to the dishwashing chamber 14 and since it is driven to help the flow of air in an outwardly direction, the air inside the chamber is thus forced/suctioned outwards by fan 86. It is well settled that the intended use of a claimed apparatus is not germane to the issue of the patentability of the claimed structure. If the prior art structure is capable of performing the claimed use then it meets the claim. *In re Casey*, 152 USPQ 235, 238 (CCPA 1967); *In re Otto*, 136 USPA 459 (CPA 1963). Although fan 86 is not formed at the immediate outlet of chamber 14, it is still fully capable of forming a vacuum/suction effect by delivering air out of the chamber from the exiting part of the circulation duct 56 since fan 86 drives air out of the dishwasher.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Jacobs (Patent No. 3,068,877) teaches a dishwasher ad drying system therein.

Quayle (Patent No. 4,247,158) teaches a dishwasher airflow drying system.

Suzuki et al. (Patent No. 5,076,306) teaches a dish washer with dryer.

Taylor, Jr. et al. (Patent No. 5,660,195) teaches a dishwasher vent system.

Art Unit: 1792

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RITA R. PATEL whose telephone number is (571)272-8701. The examiner can normally be reached on M-F: 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571) 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Barr/
Supervisory Patent Examiner, Art
Unit 1792

/Rita R. Patel/
Examiner, Art Unit 1792